
ELEMENTARY AND SECONDARY
EDUCATION ACT (ESEA), TITLE IV, PART A,
Subpart 3, as amended by the No Child Left
Behind Act of 2001

FORM APPROVED
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**GUN-FREE SCHOOLS ACT REPORT FOR
SCHOOL YEAR 2005-2006**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1865-0002. The time required to complete this information collection is estimated to average 8 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Office of Safe and Drug-Free Schools, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-6450.

RESPONDENT INFORMATION

State Name: Montana
Name of Agency Responding: Office of Public Instruction
Name and Title of Individual Completing this Report: Gary Pfister
SDFS Program Director
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GUN-FREE SCHOOLS ACT REPORT

INTRODUCTION

The Gun-Free Schools Act (GFSA), Part A, Subpart 3, under Title IV of the Elementary and Secondary Education Act (ESEA) of 1965, as amended (20 U.S.C. 7151) requires that each State have in effect a State law requiring local educational agencies (LEAs) to expel from school for a period of not less than one year a student found to have brought a firearm to school, or to have possessed a firearm at school. In addition, under the GFSA, LEAs receiving ESEA funds must adopt a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to school or possesses a firearm at school.

Each State's law also must allow the chief administering officer of the LEA to modify the expulsion requirement on a case-by-case basis, in writing. The GFSA also states that nothing in the GFSA shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such student's regular school setting from providing educational services to that student in an alternative setting.

The GFSA also requires States to provide annual reports to the Secretary of Education concerning implementation of the Act's requirements.

PLEASE USE THE ATTACHED FORM TO PROVIDE INFORMATION ON
IMPLEMENTATION OF THE GFSA.

GENERAL DIRECTIONS FOR COMPLETING THE REPORT

1. The time period covered by this report is the 2005-2006 school year.
2. Please complete this entire form. If questions are left blank, we will not be able to interpret the results and will have to follow up with a phone call. If a response to a question is "0" or "none," be sure to enter "0" or "none." If information is not available, please indicate by using the following abbreviation: MD = Missing Data
3. Please retain a copy of the completed form for your files so that you will have a copy on hand to refer to if we have questions about your responses.
4. **Please complete the attached form and mail no later than April 18, 2007 to:**

Westat
1650 Research Boulevard, Room RA 1245
Rockville, MD 20850

If questions arise about completing any of the items on the attached form, please do not hesitate to contact the Office of Safe and Drug-Free Schools at (202) 260-3954 for clarification.

ABBREVIATIONS AND DEFINITIONS

LEA	local educational agency
GFSA	Gun-Free Schools Act
IDEA	Individuals with Disabilities Education Act
ESEA	Elementary and Secondary Education Act
Elementary school	A school classified as elementary by state and local practice and composed of any span of grades not above Grade 6. Combined elementary/junior high schools are considered junior high schools and combined elementary and secondary schools (e.g., K-12 buildings) are classified as high schools for this report.
Junior high school	A separately organized and administered school intermediate between elementary and senior high schools, which might also be called a middle school, usually includes Grades 7, 8, and 9; Grade 7 and 8; or Grades 6, 7, and 8. Combined elementary/junior high schools are considered junior high schools for this report; junior/senior high school combinations are defined as senior high schools.
Senior high school	A school offering the final years of school work necessary for graduation, usually including Grades 10, 11, and 12; or Grades 9, 10, 11, and 12. Combined junior and senior high schools are classified as high schools for this form; combined elementary and secondary schools (e.g., K-12 buildings) are classified as high schools.
Other firearms	<p>Firearms other than handguns, rifles or shotguns as defined in 18 USC 921. According to Section 921, the following are included within the definition: (Note: This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns)</p> <ul style="list-style-type: none"> -- any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive; -- the frame or receiver of any weapon described above; -- any firearm muffler or firearm silencer; -- any destructive device, which includes: <ul style="list-style-type: none"> (a) any explosive, incendiary, or poison gas <ul style="list-style-type: none"> (1). Bomb; (2). Grenade, (3). Rocket having a propellant charge of more than four ounces, (4). Missile having an explosive or incendiary charge of more than one-quarter ounce, (5). Mine, or (6). Similar device (b) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter (c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

1. FIREARMS INCIDENTS

- a. Please indicate the number of students in your State who were found to have brought a firearm to school or possessed a firearm at school. Include all infractions in your answer.

School Level	Handguns	Rifles/Shotguns	Other Firearms	Total
Elementary School	0	0	4	4
Junior High School	0	0	5	5
Senior High School	3	9	4	16
Total	3	9	13	25

Notes: Any student found to have brought a firearm (meeting the definition at 18 U.S.C. 921) to school or possessed a firearm at school should be reported as an infraction, even if the expulsion is shortened or no penalty is imposed. Any incidents in which a student covered by the provisions of IDEA brought a firearm to school or possessed a firearm at school should also be included, even if it is determined that the incident is a manifestation of the student's disability. Modifications of the one-year expulsion requirement should also be reported in Question 2 of this report.

If a single student is found to have brought or possessed more than one firearm, report the student as a single incident. A note that explains the circumstances surrounding the incident, including the types of firearms that were removed from the student should be described in the data caveat section of this report.

If the same student is involved in more than one incident that involves bringing or possessing a firearm, each incident would be counted as one incident. A note explaining the circumstances surrounding the incident, including information about the disposition of that student, should be described in the data caveat section of this report.

2. MODIFIED EXPULSIONS

How many of the incidences reported in Item 1 were shortened to a term of less than one year by the chief administering officer of an LEA under the case-by-case modification provisions of Section 4141(b)(1) of the GFSA?

	Number
a. Modified Expulsions:	22
b. Expulsion Not Modified:	3
Total:	25

Note: The total figure shown in the table above should EQUAL the total number of expulsions reported in Item 1a.

3. ALTERNATIVE PLACEMENTS

How many of the incidences reported in Items 2a and Item 2b resulted in a referral of the student to an alternative school or program?

	Number of Alternative Placements
a. Among students with MODIFIED expulsions:	4
b. Among students with expulsions NOT MODIFIED:	0
Total:	4

4. STUDENTS WITH DISABILITIES

How many of the modifications reported in Item 2a were for students with and without disabilities as defined in Section 602(a)(1) of the IDEA (see below)?

	Number of Modifications
a. Student Disabled:	6
b. Student Not Disabled:	16
Total:	22

Notes: The total figure shown in the table above should EQUAL the total number of modified expulsions reported in Item 2a.

The GFSA explicitly states that the Act must be construed in a manner consistent with the Individuals with Disabilities Education Act (IDEA). Compliance with the GFSA can be achieved consistent with the IDEA as long as discipline of such students is determined on a case-by-case basis under the GFSA provision that permits modification of the expulsion requirement on a case-by-case basis. A student with a disability who brings a firearm to school, or possesses a firearm at school, may be removed from school for ten school days or less, and in accordance with State law, placed in an interim alternative educational setting that is determined by the student's individualized education program team, for up to 45 calendar days. If the student's parents initiate due process proceedings under the IDEA, the student must remain in that interim alternative educational setting during authorized review proceedings, unless the parents and school district can agree on a different placement. Before an expulsion can occur, the IDEA requires a determination by a group of persons knowledgeable about the student on whether the bringing of a firearm to school, or the possession of a firearm at school, was a manifestation of the student's disability. A student with a disability may be expelled only if this group of persons determines that the bringing of a firearm to school, or the possession of a firearm at school, was not a manifestation of the student's disability, and the school follows applicable IDEA procedural safeguards before the expulsion occurs. Under IDEA, students with disabilities who are expelled in accordance with these conditions must continue to receive educational services during the expulsion period. Under Section 602 (a)(1) of the IDEA, the term "children with disabilities" is defined as:

children --

- (i) with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments, including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and*
- (ii) who, by reason thereof, need special education and related services.*

LEA COMPLIANCE WITH GFSA

5. List the name and address of each LEA that has not provided an assurance that it is in compliance with the State law that requires that a student who brings a firearm to school, or possesses a firearm at school, be expelled for one year. *(If all LEAs have provided the necessary assurance, please indicate "none" in response to this item.)*

NONE

(Attach a separate sheet if more space is required to list LEAs.)

6. List the name and address of each LEA that has not provided an assurance that it is in compliance with the requirement in Section 4141(h) that an LEA receiving ESEA funds have in place a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to a school, or possesses a firearm at school. *(If all LEAs have provided the necessary assurance, please indicate "none" in response to this item.)*

NONE

(Attach a separate sheet if more space is required to list LEAs.)

7. a. Please indicate the percentage of LEAs that submitted a GFSA report to the State in response to this annual data collection.

Percentage of LEAs that submitted a GFSA report to the State:

100%

- b. Of the LEAs that submitted a GFSA report, what proportion of schools in those districts provided GFSA data to their LEAs?

Percentage of schools that submitted GFSA data to their LEAs:

100%

- c. Of those LEAs that submitted a GFSA report to the State, what percentage had reported one or more students for an offense under the GFSA related to firearms (as defined by Title 18 U.S.C.921)?

Percentage of LEAs that reported students for a firearm offense:

3.64%

8. If applicable, please provide information that explains any circumstances affecting the quality of data submitted to us. What information can the State share with us that will help us to more accurately interpret the data submitted on this GFSA report form (e.g., fewer than 100% LEAs responded to the State; figures reported included all weapons, not only firearms)?

N/A

STATE COMPLIANCE WITH GFSA

9. Please indicate whether your State law related to GFSA has changed in the past 12 months.

☐ Yes, our State law has changed in the past 12 months. If "yes", please attach a brief description of the changes or provide a copy of the new/revised statute.

XX No, our State law has not changed in the past 12 months.

10.a. How does your State law address the need for providing educational services in an alternative setting to students expelled from their regular school setting?

☒ State law encourages LEAs to provide educational services to expelled students in an alternative setting.

☐ State law requires LEAs to provide educational services to expelled students in an alternative setting.

☐ State law does not address the need for educational services in an alternative setting.

b. Are any State funds used to support the implementation of educational services in alternative settings as it relates to students who have been expelled under the GFSA?

☒ Yes, State funds are provided.

☐ No, State funds are not provided